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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

NOTIFICATION

New Delhi, the 31st October 1970

S.O. 3645.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme for the Port of Calcutta, the same having been previously published as required by the said section, namely:—

THE CALCUTTA DOCK CLERICAL AND SUPERVISORY WORKERS (REGULATION OF EMPLOYMENT SCHEME, 1970

1. *Name of the Scheme.*—The Scheme may be called the Calcutta Dock Clerical and Supervisory Workers (Regulation of Employment) Scheme, 1970 (hereinafter referred to as "The Scheme").

2. *Objects and application.*—(1) The objects of the Scheme are to ensure—

(i) greater regularity of employment of the categories of dock workers shown in Schedule I by maintaining an adequate but not more than adequate number of such workers available in the Registers of workers,

(ii) the achievement of efficiency of performance in dock work and attainment of satisfactory levels of productivity and accuracy in documentation,

(iii) progressively more and more full monthly employment for the above workers under the registered employers and thus fulfil the ultimate objective of complete decasualisation.

(2) The Scheme relates to the Port of Calcutta as defined in Schedule II and applies to the categories of workers set out in Schedule I and to the descriptions of work performed by them as set out in Schedule III:

Provided that the Scheme shall not apply to any worker unless he is employed as such under a registered employer or an employer of workers listed in Register 'C'.

(3) Nothing in this Scheme shall apply to any ship of Indian Navy or to cargo declared for restricted handling by the Defence Authorities.

(4) Nothing in this Scheme except the provisions of sub-clause 2(f) of clause 27 shall apply to workers in the permanent employment of the shipping companies, steamer agents and work performed by them or to the terms existing between those workers and their employers.

3. *Interpretations.*—In this Scheme, unless there is anything repugnant in the subject or context:

(a) "The Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);

(b) "Board" means the Calcutta Dock Labour Board constituted under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);

(c) "Chairman" means the Chairman of the Calcutta Dock Labour Board;

(d) "Deputy Chairman" means the Deputy Chairman of the Calcutta Dock Labour Board;

(e) "Dock Employer" means the person by whom a registered Dock Clerical and Supervisory worker is employed or is to be employed and includes Shipping Companies or Steamer Agents or stevedore employer or Contractors; or a group of these;

(f) "Dock work" means operation at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;

(g) "Employers' Register" means the register of dock employers maintained under the Scheme;

(h) "Executive Officer" means the Executive Officer appointed by the Board under clause 5;

(i) 'Labour Officer" means the Labour Officer appointed by the Board under clause 11;

(j) "Monthly worker" means a registered Dock Clerical & Supervisory worker who is engaged by a Dock Employer or a group of such employers on monthly basis under a contract which requires for its termination at least one month's notice on either side;

(k) "Pool worker" means a registered Dock Clerical and Supervisory woker who is not a monthly worker;

(l) "Registered Dock Clerical and Supervisory Worker" means a dock worker whose name is for the time being entered in the records of registered workers as maintained in Registers 'A' and 'B';

(m) "Dock Clerical and Supervisory worker listed in Register 'C' " means a dock worker whose name is for the time being entered in Register 'C' specified in clause 16(8);

(n) 'Registered Employer" means a Shipping Company or Shipping Agent or Stevedore employer or Contractor or a group of such employers of a registered Dock Clerical and Supervisory worker whose name is for the time being entered in the employers' register;

(o) "Reserve Pool" means a Pool of registered Dock Clerical & Supervisory workers who are available for work and who are not for the time being in the employment of a registered employer or a group of dock employers as monthly workers;

(p) "Register or Record" means the register or record of Dock Clerical and Supervisory workers maintained under the Scheme;

(q) "Rules" means the Dock Workers (Regulation of Employment) Rules 1962;

(r) "Vessel" means an ocean going cargo vessel or ship whose gross registered tonnage is not less than 350 tonnes;

(s) "Week" means the period commencing from mid-night of any day in the week and ending on the mid-night of the next suceeding same day;

4. *Constitution of the Board.*—The Board shall be constituted in accordance with rules 3 to 7 of the Dock Workers (Regulation of Employment) Rules, 1962.

5. *Executive Officer and other Officers.*—(1) The Board shall by resolution and subject to approval by the Central Government, appoint an Executive Officer for the purpose of carrying out the day-to-day administration of the Scheme under powers delegated to him by the Board.

(2) The Executive Officer shall subject to the supervision and control of the Chairman, Deputy Chairman and subject to the provision of clauses 9 and 10, carry out the day-to-day administration of the Scheme.

(3) The Board may, for sufficient cause, remove/dismiss any Executive Officer appointed under sub-clause (1):

Provided that the Executive Officer shall not be removed unless he has been given a reasonable opportunity of being heard.

(4) The Board may appoint such other Officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post the maximum salary of which exclusive of allowances is above rupees one thousand per mensem shall be created, and no appointment to such posts shall be made by the Board except with the previous approval of the Central Government:

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than three months.

(5) The Chairman may fill an unexpected vacancy in the post of Executive Officer for a period of less than one month and shall report such matter to the Central Government for approval.

6. *Functions of the Board.*—(1) The Board may take such measures as it may consider desirable for furthering the objects of the Scheme including measures for—

(a) ensuring the adequate availability of registered Dock Clerical and Supervisory workers for the purpose of providing proper supervision and accurate documentation for the efficient working of vessels and the speedy transit of goods through the Port;

(b) fixing, increasing and decreasing subject to the approval of Central Government, the number of workers to be registered under various categories, after determining the number required under each category;

(c) regulating the recruitment and entry into and the discharge from the Scheme of registered Dock Clerical and Supervisory workers and the allocation of such workers to registered employers;

(d) determining and keeping under review, the number of registered employers and registered Dock Clerical & Supervisory workers from time to time on the registers or records and the increase or reduction to be made in the number in any such register or record; if the said review warrants the same for better efficiency and economy of operations;

(e) keeping, adjusting and maintaining the registered employers' registers, entering or re-entering therein the name of any registered employer and where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;

(f) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of registered Dock Clerical and Supervisory workers including any register or record of registered Dock Clerical and Supervisory workers who are temporarily not available for dock work and whose absence has been approved by the Executive Officer, and, where circumstances so require, removing from any register or record the name of any registered Dock Clerical and Supervisory worker either at his own request or in accordance with the provisions of the Scheme;

(g) the fixing or re-fixing of all registered Dock Clerical and Supervisory workers into such categories as may be determined by the Board after

consultation with the Executive Officer and thereafter reviewing the grouping of any registered Dock Clerical and Supervisory workers on the applications of the Executive Officer or of the registered Dock Clerical and Supervisory worker;

(h) levying and recovering from registered employers, contributions for administering the Scheme;

(i) making provision for achieving the objects of the Scheme;

(j) maintaining and administering the registered Dock Clerical and Supervisory Workers Welfare Fund, Provident Fund and Gratuity Fund and similar other funds created for specific purpose for both Reserve Pool and monthly workers and recovering from all registered employers contributions towards the funds in accordance with the rules framed under clauses 51 and 52;

(k) recovering levy and collecting contributions to the Welfare Fund, Provident Fund, Gratuity Fund and any other fund/funds created under sub-clause (j) above;

(l) restricting the number of categories, in the event of new registerations by having as much flexibility of employment of workers as possible;

(m) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of Board.

(2) The income and property of the Board derived from all sources under the Scheme shall be applied solely towards the objects of the Scheme including health, safety, training and welfare measures for dock Clerical and Supervisory workers (including assistance by way of grant of loan, or otherwise to co-operative societies formed for the exclusive benefit of registered Dock Clerical and Supervisory workers and the staff of the Board) and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise by way of benefit to the members of the Board:

Provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board in connection with the scheme nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let by any member to the Board, nor prevent the incurring of expenditure on welfare measures, if any, for the staff of the Board as may be connected with the Scheme.

(3) The Board shall cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under the Scheme and shall submit to the Central Government an annual report on the working of the Scheme during the preceding year ending on the thirty-first day of March together with an audited Balance Sheet as soon as may be after the first day of April in every year and not later than the thirty-first day of October and shall also submit copies of proceedings of the meetings of the Board.

7. *Responsibilities and duties of the Board in Meeting.*—The Board-in-Meeting shall be responsible for dealing with all matters of policy and in particular may—

(a) subject to the prior approval of the Central Government—

(i) fix before registration the number of workers to be registered under various categories, after determining the number required under each category;

(ii) increase or decrease the number of workers in any category on the register from time to time as may be necessary after a periodical review of the registers and anticipated requirements;

(iii) sanction the temporary registration under registered employers of specified number of workers in any category for a specified period, under specified terms and conditions;

(b) consider registration of new employers on the recommendation of the Chairman;

(c) prescribe forms, records, registers, statements and the like required to be maintained under the Scheme;

(d) determine the wages, allowances, leave rules and other conditions of service and refix the guaranteed minimum wages in a month after annual review;

(e) fix the rate of levy under clause 49 or such other administrative charges as may be necessary to meet the expenses of the Scheme;

(f) fix the rate of contribution to be made by registered employers to the registered Dock Clerical and Supervisory Workers' Provident Fund, Welfare Fund and Gratuity Fund; and such other fund or funds; as the Board may create;

(g) appoint, abolish or reconstitute Committees under clause 33;

(h) sanction the Annual Budget;

(i) appoint the Executive Officer and the Labour Officer with the approval of the Central Government where necessary;

(j) subject to the provisions of clause 5(4), sanction the creation of posts, and make appointment to such posts;

(k) make recommendations to the Central Government about any changes in Schedules I and III;

(l) make recommendations to the Central Government about any modifications in the Scheme;

(m) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours;

(n) sanction the opening of accounts in such Scheduled Banks as it may direct and the operation of such accounts by such persons as the Board may, from time to time, direct;

(o) make such additions and alterations to the duties of the different categories of workers as specified in Schedule III, as may be considered necessary.

8. *Annual Estimates.*—(1) The Chairman shall at a special meeting to be held before the end of February in each year, lay before the Board the annual budget as received from the Executive Officer under clause 10 of the Scheme, for the year commencing on the first day of April then next ensuing in such detail and form as the Board may, from time to time, prescribe.

(2) The Board shall consider the estimate so presented to it and shall, within four weeks of its presentation, sanction the same either unaltered or subject to such alterations as it may deem fit.

9. *Reponsibilities and Duties of Chairman.*—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Scheme and in particular—

(a) to ensure that the decisions of the Board in regard to the adjustment of the workers' registers are carried out expeditiously;

(b) (i) to supervise and control the work of the Deputy Chairman and the Executive Officer;

(ii) to take suitable steps if any irregularities are detected by him or brought to his notice;

(c) to ensure that proper and adequate supervision, as may be laid down by the Board, is provided by the registered employers on ships worked by them;

(d) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;

(e) to constitute Medical Boards, when required;

(f) to ensure that the conditions, laid down in the Scheme for the registration of dock employers under the Scheme, are complied with by them;

(g) to ensure that all forms, registers, returns and documents, prescribed under the Scheme, are properly maintained;

(h) to sanction the creation of posts the maximum salary of which exclusive of allowances is up to rupees six hundred per mensem and to make appointments to such posts

(i) to take disciplinary action against workers and employers in accordance with the provisions of the Scheme;

(j) to allow relaxation in the maximum number of shifts per worker per week or per month under clause 27 and to report such cases to the Board;

(k) to make reports, when necessary, to the Central Government under rule 5 of the Dock Workers (Regulation of Employment) Rules, 1962;

(l) to sanction the transfer of a registered worker from—

(i) one registered employer to another,

(ii) the Reserve Pool to a registered employer,

(iii) a registered employer to the Pool as provided for in the Scheme;

(m) to deal with appeals from registered Dock Clerical and Supervisory workers and employers under clause 44 and 45;

(n) to fill an unexpected vacancy in the post of Executive Officer for a period of less than one month and report such matter to the Central Government for approval;

(o) to ensure that the sanctions for temporary registration of workers are carried out without delay;

(p) to declare that there has been a 'go-slow' and to take action as authorised under the Scheme;

(q) to declare a 'state of emergency' and to take action as authorised under the Scheme;

(r) to discharge all other duties and responsibilities as specifically vested in the Chairman under the Scheme.

(2) The Chairman may delegate any of his above functions and duties to the Deputy Chairman.

10. *Functions responsibilities and duties of the Excutive Officer.*—Without prejudice to the functions and powers of the Board and the Chairman and the Deputy Chairman, the Executive Officer who shall be a whole-time officer, shall be responsible for the administration of the Scheme and shall in particular be responsible for—

(a) keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the Register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;

(b) keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of Dock Clerical and Supervisory workers, including any registers or records of Dock Clerical and Supervisory workers, who are temporarily not available for dock work and whose absence has been approved by him and where circumstances so require, removing from any register or record the name of any registered Dock Clerical and Supervisory workers either at his own request or in accordance with the provisions of the Scheme and to carry out recruitment in any category of Dock Clerical and Supervisory workers as sanctioned by the Board from time to time;

(c) discharge all functions relating to disciplinary action against registered Dock Clerical and Supervisory workers and registered employers to the extent permissible under clauses 41 and 43;

(d) the grouping or re-grouping of registered Dock Clerical and Supervisory workers in accordance with the instructions received fom the Board in such groups as may be determined by the Board;

(e) authorising the employment of unregistered workers in case registered Dock Clerical and Supervisory workers are not available for work in the Reserve Pool or in such other circumstances as the Chairman may approve;

(f) the allocation of registered Dock Clerical and Supervisory workers in the Reserve Pool who are available for work to registered employers and for this purpose he shall—

(i) be deemed to act as an agent for the employers;

(ii) make the fullest possible use of registered Dock Clerical and Supervisory workers in the Reserve pool;

(iii) keep the record of attendance at call stands or control points of registered Dock Clerical and Supervisory workers;

(iv) provide for the maintenance of record of employment and earings;

(v) make necessary entries in the Attendance and Wage Cards of the workers in the Pool as laid down in clause 26;

(g) (i) the collection of levy, contributions to the registered Dock Clerical and Supervisory Workers Welfare Fund and maintaining and administering it or any other form of contribution from the registered employers, as may be provided for in the Scheme;

(ii) the collection of the Reserve Pool workers' contributions to the Provident Fund from the workers and the collection of the monthly workers' contributions and the matching employees' contributions from the registered employers;

(iii) the payment as agent of the registered Dock employer to each worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;

(iv) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it and making and submitting to the Board an annual report and audited balance-sheet;

(h) (i) the framing of the budget annually, submitting the same to the Board on or before the fifteenth of February in each year and getting it approved by the Board;

(ii) maintaining complete service records of all registered Dock Clerical and Supervisory workers;

(iii) such other functions as may, from time to time, subject to provisions of the Scheme, be assigned to him by the Board or the Chairman.

11. *Labour Officer.*—The Board shall appoint a Labour Officer, who shall assist the Executive Officer generally in the discharge of his duties and shall in particular carry out functions vested in him under clauses 40 and 41. He shall, under the supervision and control of the Executive Officer, carry out such functions as may be assigned to him consistent with the provisions of the Scheme.

12. *Officers appointed by the Central Government for proper working of the Scheme.*—(1) The Central Government may in its discretion appoint from time to time in consultation with the Chairman of the Board one or more officers and entrust to such Officer or Officers such functions as it may deem fit for the proper working of the Scheme.

(2) Such Officer or Officers shall be subject to the general supervision and control of the Chairman and paid from the funds of the Board. He or they shall hold office for such period and on such terms and conditions as the Central Government may determine.

13. *Maintenance of Register etc.*—(1) There shall be a register of Dock Employers.

(a) At the initial stage Shipping Companies or Steamer Agents or Stevedores or Contractors who have been employing such categories of workers as is specified in Schedule I of the Scheme shall be eligible for registration under the Scheme.

(b) subsequent registration, if required, will be determined by the Board as per rules so framed.

(c) In no case, however, shall a person or firm continue to be registered under the Scheme unless he or it has obtained a licence in that behalf from the Calcutta Port Commissioners within 12 months of the date of commencement of the Scheme.

If the licence issued to such an employer is not renewed by the Calcutta Port Commissioners for any reason, it shall automatically result in the name of the employer being suspended from the employers' Register.

(d) The Board may, subject to such conditions as it may prescribe in this behalf, permit persons registered under item (a) or (b) to form one or more groups and each group so formed shall be treated as one employer only for employment of monthly workers; such group or groups of employers must also obtain a licence from the Calcutta Port Commissioners in order to operate as employer of dock workers in the Port:

Provided that the Board shall have power to make with the previous approval of the Central Government such alterations or modifications in the conditions prescribed in (a), (b), (c) and (d) above, as it may deem necessary from time to time:

Provided further that the Board may revoke, from such date as it may specify, the permission given to any group of employers if, after giving an opportunity to the group of employers to show cause against the proposal and after considering its representations, if any, the Board is satisfied that the group of employers has failed to comply, in part or in full, with the conditions prescribed for the formation of such group, and the said group shall stand dissolved from such date,

(2) There shall be a register of Dock Clerical and Supervisory workers.

(a) The workers registers shall be maintained in the forms prescribed by the Board for this purpose.

(b) The records of workers shall be maintained by the Board as under—

(i) Register 'A'—A categorywise Register of Dock Clerical and Supervisory workers other than the Dock Clerical and Supervisory Workers included in Register 'C' who are engaged by each registered employer on contract on monthly basis and who are known as monthly workers.

The Chief Clerks, Senior Supervisors and such Assistant Supervisors who were in the monthly employment at the time of commencement of the Scheme shall be permitted in this Registered only. The Chairman may allocate to different employers any workers in these categories who are not selected by the registered employers for monthly employment. The criteria of such allocation shall primarily be the amount of shipping business transacted in the port by individual employers during the previous three years.

(ii) Register 'B'—A categorywise Register of Dock Clerical and Supervisory workers who are in the Reserve Pool. All Assistant Supervisors who were not in the monthly employment at the time of commencement of the Scheme shall also be included in this Register.

(iii) Register 'C'—A categorywise list of Dock Clerical and Supervisory workers who are in the permanent employment of the Steamer Companies, Steamer Agents, Stevedore Employers or Contractors.

NOTE.—Dock Clerical and Supervisory workers who are at present employed on casual and minimum guarantee basis by the Shipping Companies or Steamer Agents shall be free to join Register 'B' if they are not included in Register 'C' by their present employers.

14. *Classification of workers in Registers.*—(1) The Board shall arrange for the classification of registered workers by categories in Registers 'A' and 'B'.

(2) Dock Clerical and Supervisory workers registered under the Scheme shall be classified into—

(a) Chief Clerk—which would include Ship's Clerk, Delivery Chief Clerk—Register 'A' only.

(b) Assistant Clerk—which would include Assistant Clerk, Plan Maker, Measurement Clerk, Receiving Clerk, Mates Receipt Writer, Manifest Clerk, Boat Inspector, Delivery Clerk, Lockfast Clerk, Boat unloading Clerk.

(c) Junior Clerk—which would include Shipment Clerk, Coopering Receipt Writer, Labelling Clerk, Damage Reporting Clerk, Tea Runner, Attendance Clerk.

(d) Senior Suppervisor
(e) Assistant Supervisor } Register 'A' only.

(f) Junior Supervisor.

15. *Fixation of number of workers on the Register.*—(1) The Board shall after due and proper investigation determine before the commencement of registration in any category the number of workers requird in the category.

(2) The numbers thus determined shall be subject to approval by Central Government before the commencement of registration.

(3) (a) The Board shall subject to the approval of the Central Government periodically determine the number of workers required in each category and arrange to adjust the workers' registers accordingly.

(b) The Executive Officer, shall in accordance with the decision of the Board, arrange to register or de-register the workers with the least possible delay.

(c) The procedure for de-registration shall be separately laid down by the Board

16. *Registration of Existing Workers and Granting of Benefits.*—(1) Before a worker is registered in any of the above categories, the Board shall make a thorough investigation with a view to arriving at an estimate of the number of workers in that category that are likely to be required, out of all the workers in that category who may be working in the Docks.

(2) The mere fact that a worker has been working before in the port shall not automatically entitle him to registration.

(3) All Dock Clerical and Supervisory workers who were under the employment of Stevedores, Employers or Contractors either on Monthly Minimum Guarantee or Casual basis upto and on the 20th September, 1967 and all Dock Clerical Supervisory workers who were under the employment of Shipping Companies or Steamer Agents on a Minimum Guarantee or Casual basis upto and on the 20th September, 1967 and continued as such as on the 1st January 1970 shall be eligible for registration under the Scheme:

Provided they are—
(iii) below 58 years of age.
(i) Indian National,
(ii) medically fit,

NOTE:—The University or School certificate of age will be accepted and where this is not available, the age fixed at the time of medical examination shall be final.

(4) Registration subject to clause 14 shall then be done as follows:—

(a) To Register 'A':

(i) The names of all workers who on 1st January 1970 were on monthly employment of the Stevedore employers or Contractors shall be entered directly in Register 'A' employerwise and categorywise. They shall continue to be in the monthly register of the employers concerned:

Provided that such workers were in employment on the 20th September, 1967 with the stevedore employers or contractors concerned.

(ii) The names of any other workers who on the 1st January, 1970, were on minimum guarantee terms or casual terms under any Stevedore employer or Contractor and who may at the outset be selected by an employer for monthly employment shall also be entered directly in Register 'A'—employerwise and categorywise, provided that such workers were in employment on the 20th September, 1967, with dock employers. Subject to other provisions of the Scheme, all the benefits prescribed in the Scheme shall be admissible to the workers in Register 'A' from the date fixed under sub-clause 5(a) below for the commencement of rotational booking of workers on Register 'B'.

(b) The Register—B—

The names of such number of workers as required for each category as determined under clause 15 above who were on the 20th September, 1967, on other than monthly terms of employment under the Stevedore employer or Contractor and who have not since been put on monthly terms shall be entered in Register 'B'.

(c) All registration in Registers 'A' and 'B' shall be provisional subject to verification of character and antecedents of the workers.

(5) Granting of Benefits under the Scheme:—

(a) As soon as the provisional registration has been complete in Register 'B', the Board shall fix the date from which booking on such rotational basis as is decided by the Board shall be started for the workers in Register 'B':

Provided that a worker available for work in any category of Register B shall be booked by the Executive Officer in any other appropriate category where work is available.

(b) (i) From the date on which booking on the rotational basis is started, the workers in Register 'B' shall be entitled to no other benefits than 21 days' minimum guarantee wages and gross daily wages that accure to them for the days worked;

(ii) The gross daily wages shall be 1/30th of the total monthly wages payable to workers in Register 'A'.

(c) Are-assessment of the requirements shall be made after 6 months in the light of the actual employment obtained by workers provisionally registered in Register 'B' and the provisional register shall then be adjusted accordinly. Thereafter the following benefits shall be extended to the workers:—

(i) Payment of attendance allowance under clause 29;

(ii) Holiday wages for port closed days only; and

(iii) Sick and Casual Leave.

(d) The working under these conditions shall be examined after a year of the introduction of the rotational booking with a view to fixing the number of days for which minimum guaranteed wages under clause 28 should be paid to the workers in Register 'B'. From then onwards, the workers will be entitled to all the benefits under the Scheme.

(6) Fresh recruitment whether provisional or otherwise in any category in which Clerical and Supervisory workers have already been registered under the Scheme will be guided by the provisions of clause 17.

(7) Notwithstanding any other provision of this Scheme, where the Board is of opinion that a Dock Clerical and Supervisory worker has secured his entry in the register by furnishing false information in the application or by withholding any information required therein, or where it appears that a worker has been registered improperly or incorrectly, the Board may direct the removal of his name from the Register:

Provided that before giving any such direction, the Board shall give him an opportunity showing cause why the proposed direction should not be issued.

(8) Register 'C' Entries:—

(a) Any of the aforesaid category of workers who were on the 1st January, 1970, in permanent employment of Shipping Companies or Steamer Agents on a monthly salary basis shall not be registered but they can work without being registered. Their names shall be entered in Register 'C'—employerwise and categorywise.

(b) Each employer of such workers shall supply to the Board a list showing their names and such other particulars as the Board may require.

(c) The strength of such workers under an employer shall not be increased except with the previous approval of the Board, and if it is found necessary to fill the permanent vacancies in the strength of such permanent workers, they shall be filled as laid down in clause 17.

17. *Registration of New Workers in Registers 'A' and 'B' and Rescruitment for Register 'C'*—Future registeration of workers in the categories in Schedule I shall be done wherever necessary by selection from the following sources in that order of priority:—

(a) For Register 'A' or 'B':

(i) From Tally Clerks registered with the Calcutta Dock Labour Board.

(ii) From Employment Exchange.

NOTE:—The upper age limit for all recruitment through the Employment Exchange shall be 25 years.

(b) Recruitment for Register 'C':—

(i) From Register 'A'.

(ii) From Register 'B'.

(iii) From the Reserve Pool of Tally Clerks registered with the Calcutta Dock Labour Board.

(iv) From outside through the local Employment Exchange with written permission of the Board.

18. *Age of Retirement.*—The age of retirement of all registered workers under this Scheme shall be 58 years.

19. *Employment Promotion and Transfer of workers.*—(1) In the employment, promotion and transfer of workers, the need for continuity of employment for a particular operation or vessel or Shipping Company or Steamer Agent, as required by the Registered Employer shall be kept in view.

(2) A monthly worker of a particular category attached to a registered dock employer shall be entitled to be employed for work in that category by that employer in preference to any worker of the same category in the Reserve Pool.

(3) Subject to the approval of the Executive Officer a monthly worker of one registered dock employer, if available, may be employed by another registered dock employer in preference to pool workers.

(4) (a) A vacancy, other than a casual vacancy in any category of monthly workers, may be filled, if required, by selection by employer or group of employers from amongst his monthly workers of the next lower category.

(5) A vacancy other than a casual or temporary vacancy in any category of Reserve Pool workers may be filled, if required, by promotion of a suitable worker from the next lower category.

(c) A temporary shortage in any category of monthly workers may be filled by the senior-most available worker of the next lower category belonging to the same employer or group of employers.

The criteria of promotion shall ordinarily be—

(i) merit and fitness for work in the category to which promotion is to be made,

(ii) seniority, and

(iii) record of past service.

NOTE.—A transfer from the Reserve Pool Register to the Monthly Register in the same category or vice versa shall not be deemed a promotion.

(5) The Chairman in consultation with the Executive Officer may allocate from time to time such number of Reserve Pool workers to the monthly registers of the employers as they may deem necessary in keeping with the objective of progressive and full decasualisation of the workforce. The monthly registers of the employers shall, for this purpose, be subjected to an annual review by the Board.

(6) When a Reserve Pool worker is transferred to the monthly register, his previous service shall be reckoned for all benefits in the monthly register and the Board shall transfer to the monthly employer all benefits other than Provident Fund and Gratuity that have accrued to the worker in respect of the previous service as if such service had not been transferred. The Board shall, in particular, transfer to the monthly employer such amount as may be appropriate towards the worker's leave that may be due to him on the date of such transfer.

(7) The Chairman or the Executive Officer may, for sufficient and valid reasons, allow the transfer of a monthly worker to the Reserve Pool on a request in writing of the employer or the worker as the case may be, explaining fully the reasons for the transfer and no such transfer shall take place without proper investigation and prior approval in writing of the Chairman or the Executive Officer:

Provided that transfer in respect of a monthly worker to Reserve Pool shall be subject to the fulfilment of any contract subsisting between the monthly worker and his employer regarding termination of employment.

(8) If a monthly worker is transferred to or employed in the Reserve Pool, under sub-clause (6), his previous service shall be reckoned for all benefits in the Reserve Pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of his previous service as if such service had not been transferred. The employer shall in particular transfer to the Board such amount as may be appropriate towards the worker's leave and gratuity that may be due to him on the date of such transfer.

(9) If a worker in Register 'C' is retrenched being surplus to requirement, the Board may, subject to such conditions as it may specify, permit in its discretion the registration of such a worker in Register 'B' as a fresh entrant either in the same category or in any other category for which he may be considered suitable

by the Board, if he is below 58 years of age, medically fit and a written request therefor is received from him and his employer.

go, free of charge, a medical examination for physical fitness by a Medical Officer nominated by the Chairman for this purpose; provided that workers who are taken on under the provisions of clause 17(a)(i) shall not be required to undergo medical examination again.

20. *Medical Examination.* (1) (a) All workers before registration shall under-

(b) A worker found medically unfit by a Medical Officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be prescribed in this behalf, for examination by a Medical Board. On receipt of such a request, the Chairman shall set up a Medical Board.

(c) The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to registration.

(2) If the employer deems it necessary, a worker shall undergo, free of charge, a medical examination by a Medical Board to be constituted by the Chairman. The employer with the approval of the Chairman shall have authority to terminate the service of the worker found unfit by the Medical Board. The decision of the Medical Board shall be final.

21. *Facilities for Training.*—The Board shall make provision for training of suitable registered Dock Clerical and Supervisory workers in the duties that it may deem necessary.

22. *Registration Fee.*—A registration fee of rupees two shall be payable to the Board by each worker at the time of registration under the Scheme. Each employer shall pay a registration fee of rupees one hundred at the time of registration under the Scheme.

23. *Supply of Cards.*—Every Dock Clerical and Supervisory worker when registered shall be supplied, free of cost, with the following Cards in the forms prescribed by the Board, namely—

(i) Identity Card,

(ii) Attendance Card, and

(iii) Wage Card.

In case of loss of a Card, a fresh card will be issued and the cost thereof which will be fixed by the Board, shall be payable by the worker concerned. In all such cases of loss the worker must report the loss immediately to the Police and the Executive Officer.

24. *'Service Record' for registered Dock Clerical and Supervisory workers.*—"Service Record" for every Dock Clerical and Supervisory worker in Register 'A' shall be maintained by all registered employers in a form prescribed by the Board which shall contain, among other things, a complete record of promotion, recommendations for good work, disciplinary action taken against the worker, etc. Similar records in respect of workers in Register 'B' shall be maintained by the Board.

When a worker is transferred under clause 19(6) or 19(7), his service record form shall also be transferred to the new employer or to the Executive Officer respectively.

25. *"Record Sheets" for registered Dock Employers.*—The Executive Officer shall maintain records in respect of each registered Dock Employer in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary action taken against the registered employers.

26. *Surrender of Cards.*—(1) The worker's Card shall be surrendered to the Executive Officer in the following circumstances, namely:

(a) when proceeding on leave for 3 days or more;

(b) when retiring from service;

(c) when dismissed or discharged from service; or

(d) when temporarily suspended; or

(e) on death.

Provided that the registered dock employer of monthly worker or workers will also surrender the Card and service records of the worker to the Executive Officer in case of (a), (b), (c), (d) and (e) above.

(2) (a)(i) A registered Dock Clerical and Supervisory worker in the Reserve Pool shall hand over his Attendance Card and Wage Card to the Executive Officer at the time he is allocated for work to a registered employer unless any of the Cards has already been deposited with the said Officer previously and has not been returned to the worker.

(ii) The Executive Officer shall arrange to make necessary entries in the Attendance Card and the Wage Card in respect of the period of work done by the worker and return them to him as soon as the entries have been made.

(b) (i) A monthly worker shall hand over his Attendance Card and Wage Card to his employer at the time when he is allotted work on a ship unless any of the Cards has already been deposited with the employer previously and has not been returned to the worker.

(ii) The said employer shall make necessary entries in the Cards in respect of the period of work done by the worker and return them to him as soon as the entries have been made.

27. *Employment in Shifts.*—(1) Workers shall be employed in shifts.

(2) (a) A worker shall not ordinarily be employed in two consecutive shifts nor shall a worker be employed in two consecutive shifts on each of two successive days. In no case shall a worker be employed in three consecutive shifts.

(b) A worker in the Monthly Register shall not be employed for more than 9 shifts in a week or 33 shifts in a month:

Provided that the Chief Clerks and Senior Supervisors shall be exempted from the provisions of this clause.

(c) Normally a worker in the Reserve Pool shall not be employed for more than 6 shifts in a week, but when a worker in the Monthly Register who has not reached the maximum limit of employment defined in item (b) above is not available, a Reserve Pool worker may be employed upto 9 shifts in a week or 33 shifts in a month.

(d) In special circumstances, the Chairman may relax temporarily the restrictions under items (b) and (c) to the extent necessary.

(e) Workers working more than one shift in a day will be entitled to the normal rate of wages for work in each shift.

(f) The same restrictions regarding employment as in (b) above shall apply in the case of workers on Register 'C'.

(3) Workers of each category on the Reserve Pool Register shall normally be allotted work strictly by rotation. The Board-in-meeting may, however, lay down such other method of booking as may be necessary for the efficient performance of work.

28. *Guaranteed Minimum Wages in a month.*—(1) A worker in the Register be paid wages for 21 days in a month at the commencement of the Scheme at **the wage rate inclusive of dearness allowance as prescribed by the Board appro**priate to the category to which he permanently belongs.

(2) Subject to the provisions of clause 16(5), the minimum number of days for which wages are guaranteed to any Reserve Pool workers may be fixed by the Board for each year on the basis of the monthly average employment obtained by the workers in the Reserve Pool during the preceding year, in the category to which he belongs:

Provided that the number so fixed shall not in any case be more than 21.

NOTE.—An illustration of the method of assessing the average employment is detailed in Schedule IV.

(3) The days on which work is allotted to the worker shall be counted towards **the guaranteed minimum number of days for which wages shall be paid. The** guaranteed minimum wages in a month shall be—

(a) for the number of days for which wages are guaranteed in a month subject to the condition that the worker attended for work on all days in the month as directed by the Executive Officer, or

(b) proportionate to the number of days on which the worker attended for work, provided he was excused from attendance on all the remaining days of the month.

(4) For the purposes of this clause—

(a) the wage rate payable shall be inclusive of dearness and other allowances, as prescribed by the Board appropriate to the category to which he belongs, either substantively or temporarily for a period of a month or more,

(b) any additional shift or shifts worked in a day shall not be separately counted as a day,

(c) A worker on his weekly off day will be deemed to have been on attendance unless he was specifically booked for work on such a day by the Executive Officer and had failed to attend.

29. *Attendance Allowance.*—Subject to the other provisions of the Scheme, a worker on the Reserve Pool Register who is available for work but for whom no work is found shall be paid attendance allowance, exclusive of dearness and other allowances at the rate of rupee one per day for the days on which, during a wage period month he attended for work as directed by the Executive Officer and no work was found for him:

Provided that the Board may, from time to time, allow payment of attendance allowance exclusive of dearness and other allowances at a higher rate not exceeding rupees two per day, as it may deem necessary.

Provided further that no attendance allowance shall be paybale for any day for which wages, inclusive of allowance, have been paid under clauses 31 and 28.

30. *Employment for a shift.*—No worker in the Reserve Pool Register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift, he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period.

31. *Disappointment Money.*—When a worker in the Reserve Pool presents himself for work and for any reason the work for which he has attended cannot commence or proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work he shall be entitled to disappointment money equal to half the daily time rate wage plus the full allowances appropriate to the category to which he belongs. A worker detained for more than 2 hours shall be paid full-time rate wages inclusive of dearness allowance.

32. *Holidays.*—Each registered Dock Clerical and Supervisory worker shall be entitled to 8 paid holidays in a year including all days (which shall not exceed 6 in a year) that are declared as closed holidays by the Board. The payment for such holidays shall be such as may be prescribed by the Board under clause 38 and shall be exclusive of the payments calculated under clause 28.

33. *Committees.*—(1) The Board may appoint one or more Committees to whom it may entrust such of its functions as it may deem necessary to facilitate compliance with the provisions of the Scheme and may abolish or reconstitute them as it may deem necessary.

(2) Persons who are not members of the Board may, if necessary, be nominated as co-opted members of a Committee; such co-opted members, however, shall not have any right to vote.

34. *Obligations of Registered Dock Clerical and Supervisory Workers.*—(1) Every registered Dock Clerical and Supervisory worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered Dock Clerical and Supervisory worker in the Reserve Pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered Dock Clerical and Supervisory worker in the Reserve Pool who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Executive Officer.

(4) A registered Dock Clerical and Supervisory worker in the Reserve Pool who is available for work shall carry out the directions of the Executive Officer and shall—

(a) report at such call stands or control points and at such times as may be specified by the Executive Officer and shall remain at such call stands or control points.

(i) throughout the period of the shift, if instructed by the Executive Officer to that effect, on payment of such retention allowance as may be prescribed by the Board; or

(ii) for such period, not exceeding one hour as may be specified;

(b) accept and agree to a transfer to the Monthly Register of any registered employer to whom he might be allocated by the Chairman; and

(c) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Executive Officer.

(5) A registered Dock Clerical and Supervisory worker who is available for work when allocated by the Executive Officer for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representative and the rules of the port or place where he is working.

35. *Obligations of registered employers.*—(1) Every registered employer shall accept the obligations of the Scheme.

(2) Subject to the provisions of clause 36(1) and the relation given in clause 36(2), a registered employer shall not employ a worker other than a Dock Clerical and Supervisory worker who has been allocated to him by the Executive Officer in accordance with the provisions of clause 10(f).

(3) A registered employer shall in accordance with arrangements made by the Executive Officer submit all available information of his current and future worker requirements.

(4) A registered employer shall supply to the Executive Officer such data and information in respect of the registered workers engaged by him, as the Executive Officer may require from time to time.

(5) (i) A registered employer shall pay to the Executive Officer in such manner and at such times as the Board may direct the levy payable and such other administrative charges under clause 49 and the gross wages due to daily workers.

(ii) A registered employer shall make payments as contributions to the Dock Clerical and Supervisory Workers Welfare Fund under clause 52.

(iii) (a) A registered employer shall pay to the Board the monthly Provident Fund subscriptions recovered from the wages of the workers and the contribution by the registered employers thereon, repayment of Provident Fund loan and interest on Provident Fund loan within 15 days from the date of each recovery.

(b) The cost of maintaining the Provident Fund amounts of the monthly workers shall be defrayed by payments to the Board made by the Registered Employers in the manner and on the basis as might be fixed by the Board from time to time.

(6) A registered employer shall keep such records as the Board may require and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or directions issued by or on behalf of the Board.

(7) In keeping with the objects of the Scheme and in accordance with clause 19(5), every registered employer is expected to maintain at least 75 per cent of his total requirement of workers under the Scheme on his monthly register within 2 years of the commencement of the Scheme. With this end in view, the registered employer shall agree to accept such additional allocation of workers from the Pool to his monthly register as the Chairman or Deputy Chairman may decide from time to time in consultation with the Executive Officer.

(8) (i) A registered employer meaning stevedore employer/contractor or a group of such employers is permitted to use registered Dock Clerical and Supervisory workers only under a direct stevedoring agreement with the ship-owners, shipping agents or shipping companies.

(ii) The Board may at any time demand production of such agreement documents pertaining to work on any ship, from any such employer for the purpose of verification.

36. *Restriction as employment.*—(1) No person other than a dock employer shall employ any worker on dock work subject to the relaxation given in sub-clause (2), a dock employer shall only employ a worker on dock work who is either a registered Dock Clerical and Supervisory worker or a worker whose name is included in Register 'C'.

(2) Notwithstanding the foregoing provisions of this clause—

(a) where the Executive Officer is satisfied that—

(i) dock work is emergently required to be done; and

(ii) it is not reasonably practicable to obtain a registered Dock Clerical and Supervisory worker for that work, the Executive Officer may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered Dock Clerical and Supervisory worker.

In selecting such workers suitable tally Clerks registered under the Calcutta Dock Labour Board shall if available be employed and thereafter the local Employment Exchange shall, as far as possible, be consulted:

Provided that such Tally Clerks or unregistered workers employed during periods of emergency shall have no claim for registration under the Scheme either during or on cessation of such emergency.

Provided further that, whenever unregistered workers have to be employed, the Executive Officer shall obtain, if possible, the prior approval of the Chairman to the employment of such workers and where this is not possible, shall report to the Chairman within 24 hours the circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting;

(b) in the case referred to in item (a), the person so employed aforesaid by registered employer shall, for the purposes of clause 35 and clause 38 be treated in respect of that Dock Clerical and Supervisory worker as if he were a pool worker.

(3) A registered worker in the Reserve Pool may, provided he fulfils fully his obligations under clause 34 take up occasional employment under employers other than those registered under the Scheme on those days on which he is not allocated for work by the Executive Officer.

37. *Circumstances in which the Scheme ceases to apply.*—(1) The Scheme shall cease to apply to a registered Dock Clerical and Supervisory worker when his name has been removed from the registers or records in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall affect any obligations incurred or right accrued during any time when the person was a registered Dock Clerical and Supervisory worker or a registered employer.

38. *Wage, Allowances and other conditions of service of workers in categories in Schedule I*—(1) Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered Dock Clerical and Supervisory worker in the categories in Schedule I (whether in the Reserve Pool or in the Monthly Register) and a registered employer that the rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers from time to time, subject to the provisions of sub-clauses (2) and (3).

(2) Subject to the conditions of contract as in sub-clause (1) above, a worker on the monthly register (Register 'A') shall be entitled to the full monthly wages and allowances of the category to which he belongs whether he is allotted work on all days or not.

(3) The fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936.

39. *Pay in respect of unemployment or under-employment.*—(1) Subject to the other provisions of the Scheme and to the conditions set out in this and the next following clause, when in any wage period, a registered Dock Clerical and Supervisory worker in the Reserve Pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board and amounts as may be admissible to him under clauses 28, 29 and 31.

(2) The conditions subject to which a registered Dock Clerical and Supervisory worker is entitled to the said payment (if any) from the Board are that—

(a) he attended as directed at the call stands or control points; and

(b) his attendance was recorded.

40. *Disentitlement to Payment.*—(1) A registered Dock Clerical and Supervisory worker who while in the Reserve Pool fails without adequate cause to comply with the provisions of clause 34(4)(a) and (b), or fails to comply with any lawful order given to him by or on behalf of the Board, may be proceeded with in accordance with sub-clause (3).

(2) A registered Dock Clerical and Supervisory worker in the Reserve Pool who, while in employment to which he has been allocated by the Executive Officer, fails without any adequate cause to comply with the provisions of clause 34(5) or fails to comply with any lawful orders given to him by his employer, may have this engagement terminated and may be returned to the Reserve Pool and, whether or not he is so returned may be reported in writing to the Labour Officer. When a registered Dock Clerical and Supervisory worker is so returned to the Reserve Pool, the Executive Officer shall endorse his Attendance and Wage Cards accordingly.

(3) The Labour Officer shall consider any matter arising under sub-clause (1) or (2) and if, after investigating the matter, he notifies the registered Dock Clerical and Supervisory worker that he is satisfied that the registered Dock Clerical and Supervisory worker has failed to comply with lawful order as aforesaid, the registered Dock Clerical and Supervisory worker shall not be entitled to any payment or to such part of any payment under clause 39 as the Labour Officer thinks fit in respect of the wage period in which the failure occurred or continued:

Provided that the registered Dock Clerical and Supervisory worker will be given an opportunity of showing cause before the Labour Officer takes any decision under this sub-clause.

41. *Disciplinary Procedure.*—(1) (i) The Executive Officer on receipt of information whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme may after investigating the matter give him a warning in writing, or

(ii) Where in his opinion, a higher penalty is merited, he shall cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say, he may—

(a) censure him and record the censure in his record sheet, or

(b) subject to the approval of the Board and after one month's notice in writing to the registered employer, remove the name of the employer for such period as determined by the Board or permanently in case of a grave offence.

(2) A registered Dock Clerical and Supervisory worker in the Reserve Pool, who fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing by the employer to the Labour Officer who may, after investigating the matter, take any of the following steps as regards that worker, that is to say, he may—

(a) determine that, for such periods as he thinks proper, that worker shall not be entitled to any payment or part payment under clause 39 in respect of the wage period in which such failure, commission or misconduct occurred or continued;

(b) give him a warning in writing; or

(c) suspend him without pay for a period not exceeding three days.

(3) (a) Where in a case reported to him under sub-clause (2) the Labour Officer is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Labour Officer may, pending investigation of the matter, suspend the worker and report immediately to

the Executive Officer, who after preliminary investigation of the matter shall pass orders thereon subject to provisions of sub-clause (5) whether the worker should, pending final orders, remain suspended or not;

(b) Where a worker has been suspended by an order under item (a), he shall be paid for the first ninety days from the date of suspension, a subsistence allowance equivalent to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter, the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness allowance and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness allowance and other allowances.

(c) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(d) where a worker is found not guilty he shall be entitled to such payments as the Executive Officer certifies that the worker would have received on the time rate basis or under clause 29 had he not been suspended:

Provided that the amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

(4) Where, in the opinion of the Labour Officer, a higher punishment than that provided in sub-clauses (2) and (3) is merited, he shall report the case to the Executive Officer.

(5) The Executive Officer may make or cause to be made such further investigation as he may deem fit and thereafter take any one of the following steps as regards the Dock Clerical and Supervisory worker concerned:—

(a) suspend him without pay for a period not exceeding three months;

(b) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness and other allowances in lieu thereof; or

(c) dismiss him.

(6) Before any action is taken under this clause the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(7) Notwithstanding any thing contained in this clause and clause 40, the powers vested in the authority in column (1) of the Table below under the provisions specified in column (2) of the said Table shall also be exercisable by the authority specified in the corresponding entry in column (3) in such cases as the last named authority may specify in writing in this behalf:

TABLE

Authority empowered to take action.	Power given under	Authority empowered to take action in specified cases.
1	2	3
1. Labour Officer	Clauses 40 and 41	Executive Officer
2. Executive Officer	Clause 41	Chairman

(8) Without prejudice to the powers of the Chairman under clause 42 a registered employer shall have full powers to take disciplinary action against monthly workers employed under him.

42. *Special Disciplinary powers of the Chairman of the Board.*—(1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any registered Dock Clerical and Supervisory worker or workers on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman—

(i) in the case of monthly workers, to take without prejudice to the rights of the registered employers, such disciplinary action including dismissal, against such workers, as he may consider appropriate; and

(ii) in the case of registered Dock Clerical and Supervisory workers in the Reserve Pool to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance allowance for the wage period or periods in which the 'go-slow' has been resorted to.

(3) The Chairman may take disciplinary action where the 'go-slow' is resorted to by a worker or a group of workers, against the worker or workers concerned.

(4) Before any disciplinary action is taken under this clause against any worker or any group of workers, such worker or workers shall be given an opportunity to show cause why the proposed action should not be taken against him or it:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or group of workers immediately after a declaration has been made under sub-clause (1).

(5) (a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance equivalent to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter, the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness allowance and other allowances.

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Executive Officer may certify that the worker would have received on the time rate basis or under clause 29 had he not been suspended:

Provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(6) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government.

43. *Termination of Employment.*—(1) The employment of a registered Dock Clerical and Supervisory worker in the Reserve Pool shall not be terminated except in accordance with the provisions of the Scheme.

(2) A registered Dock Clerical and Supervisory worker in the Reserve Pool shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board or forfeiting fourteen days' wages inclusive of dearness allowance in lieu thereof.

(3) When the employment of a registered Dock Clerical and Supervisory worker with the Board has been terminated under sub-clause (1) or (2) above, his name shall forthwith be removed from the register or record by the Executive Officer.

44. *Appeals by workers.*—(1) Save as otherwise provided in this clause, a worker in the Reserve Pool who is aggrieved by an order passed by an authority specified in column (1) of the Table below under the provisions specified in column

(2) of the said Table may prefer an appeal against such order to the authority specified in column (3) of the said Table:

TABLE

Authority passing order	Order made under	Appellate Authority.
Labour Officer	Clauses 40 and 41	Executive Officer
Executive Officer	Clause 41	Chairman
Chairman	Clause 41	Central Govt.

(2) A worker who is aggrieved by an order—

(i) placing him in a particular group in the register or record; or

(ii) refusing registration under clauses 16 and 17; or

(iii) requiring him under clause 34(4)(c) to undertake any work which is not of the same category to which he belongs may prefer an appeal to the Chairman.

(3) Any dock worker who is aggrieved by an order under clause 19(9) may prefer an appeal to the Chairman.

(4) No appeal shall lie where due notice has been given of the removal of the name of a registered Dock Clerical and Supervisory worker from the registers or records in accordance with the instructions of the Board, if the ground of removal is that the registered Dock Clerical and Supervisory worker falls within a class or description of Dock Clerical and Supervisory workers whose names are to be removed from the registers or records in order to reduce the size thereof:

Provided that an appeal shall lie to the Chairman where the registered Dock Clerical and Supervisory worker alleges that he does not belong to the class or description of dock workers referred to in the instruction of the Board.

(5) Every appeal referred to in sub-clause (1), (2), (3) or (4) shall be in writing and preferred within 14 days of the date of receipt of the order appealed against, and the order passed on such appeal shall be final and conclusive:

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

(6) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the registered trade union of which he is a member or by a registered Dock Clerical and Supervisory worker.

45. *Appeals by Employers.*—(1) (a) A registered employer who is aggrieved by an order of the Executive Officer under clause 41(1)(i) may appeal to the Chairman, whose order shall be final and conclusive and there shall be no appeal against it;

(b) In the case of an appeal against an order under clause 41(ii)(b), the Chairman shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(2) An employer who has been refused registration under clause 13(1)(a) may appeal to the Central Government through the Chairman. The order of the Central Government shall be final and conclusive and there shall be no appeal against it.

(3) If a registered employer is aggrieved by any original order of the Chairman against him under clause 41, he may prefer an appeal to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(4) Every appeal referred to in sub-clauses (1), (2) and (3) shall be in writing and preferred within 14 days of the receipt of the order appealed against:

Provided that the appellate authority may for reasons to be recorded admit an appeal preferred after the expiry of 14 days.

(5) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the Association of Registered Employers of which he is a member or by a registered employer.

46. *Power of revision of the Chairman.*—Notwithstanding anything contained in this Scheme, the Chairman, in the case of an order passed by the Executive Officer under clause 41, may at any time call for the record of any proceeding in which the Executive Officer has passed the order, for the purpose of satisfying himself as to the legality or propriety thereof and may pass such order in relation thereto as he thinks fit:

Provided that the Chairman shall not pass an order under this clause prejudically to any person without giving him a reasonable opportunity of being heard.

47. *Stay of order in case of certain appeals.*—Where an appeal is lodged in accordance with the provisions of clauses 44 and 45, the appellate authority may suspend the operation of the order under appeal, pending the hearing and disposal of the appeal.

48. *Special provisions for action in an emergency.*—(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port he may, by order in writing and for such period as he may from time to time specify therein make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) If any allegation is made that a registered employer has failed to carry out the provisions of the Schme, the Chairman may after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—

(a) give the registered employer a warning in writing, or

(b) direct that the name of the registered employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, 'go-slow' or misconduct is made against a registered Dock Clerical and Supervisory worker, the Chairman may suspend him forthwith pending inquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against the worker, that is to say, he may—

(a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment under clause 39;

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months;

(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or

(e) dismiss him.

(iii) (a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance equivalent to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter, the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness allowance and other allowances.

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever:

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Executive

Officer may certify that the worker would have received on the time rate basis or under clause 29 had he not been suspended:

Provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered Dock Clerical and Supervisory workers shall not apply to any order passed by the Chairman under sub-clause (2).

(4) Any registered Dock Clerical and Supervisory worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government.

(5) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered workers directly by registered employers and payment to such unregistered workers directly.

49. *Cost of operating the Scheme.*—(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers or their authorised agents as approved by the Board. Every registered employer shall pay to the Board such amount by way of levy or such other administrative charges in respect of Reserve Pool workers together with and at the same time as or earlier than the payment of gross wages due from him under clause 35, as the Board may, from time to time, prescribe by a written notice to registered employers and the amount payable by way of such levy or other administrative charges shall not be less than such amount as the Board may fix as the minimum payable by every registered employer. The Board may also require any registered employer to pay such amount by way of levy in respect of monthly workers at such rate as it may determine:

Provided that, where wages are payable to workers at an interval of less than a month, the Board may at its discretion allow the amounts, other than gross wages payable under this sub-clause to be paid monthly by such time as the Board may prescribe in this behalf.

(2) In determining what payments are to be made by registered employers under sub-clause (1), the Board may fix different rates of levy or other administrative charges for different categories of work or workers:

Provided that the levy shall be so fixed that the same rate of levy will apply to all dock employers who are in the like circumstances.

(3) The Board shall not sanction any levy or other administrative charges exceeding hundred per cent of the estimated total wage bill calculated on the basis of the daily time rate wage inclusive of allowances without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the due payment of the amount referred to in sub-clause (1), as the Board may consider necessary.

(5) The Executive Officer shall furnish, from time to time, to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of the Scheme.

(6) If a registered employer fails to make the payment due from him under subclause (1) or under clause 35(5)(i) any other amount due and payable to the Board in any other capacity or account within the time prescribed by the Executive Officer, the Executive Officer shall serve a notice on the employer to the effect that unless he pays his dues within three days from the date of receipt of the notice, the supply of registered Dock Clerical and Supervisory workers to him shall be suspended. On the expiry of the notice period, the Executive Officer shall suspend the supply of registered Dock Clerical and Supervisory workers to a defaulting employer and charge interest on the amount due at such rate and from such date as the Board may decide, until he pays his dues. If the employer fails to pay his dues within 45 days of the date of issue of the notice, his name shall be liable to be removed from the Employers' Register.

50. *Arrears of dearness allowance, wages and other allowances.*—In case of any revision of dearness allowance or grant of revised wages or other allowances with retrospective effect, in pursuance of any Award or recommendation of any Board or

Body set up, or of any order made, by the Central Government, the Board may, out of its funds, pay the registered workers arrears up to the date of the Award or, as the case may be, of the recommendation or order if the Board so decides.

51. *Provident Fund, Gratuity Voluntary Retirement Fund.*—(1) The Board shall, in respect of all the registered workers in Registers 'A' and 'B' frame and operate rules providing for Contributory Provident Fund. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary.

(2) The Board shall frame and operate rules for payment of gratuity of registered workers.

(3) The Board shall, if necessary, make suitable provision for a Voluntary Retirement Fund or such other Funds as the Board deems necessary and shall frame rules for operating the same.

52. *Dock Workers Welfare Fund.*—(1) Cost of amenities, Welfare and health measures and recreation facilities for registered workers shall be met from a separate fund called Dock Clerical and Supervisory Workers Welfare Fund which shall be maintained and operated by the Executive Officer.

(2)(i) Contributions to this Fund shall be made by all registered employers at such rate as may be determined by the Board.

(ii) The Board shall frame rules for contributions to and the maintenance and operation of the Fund.

(iii) In framing such rules the Board shall provide for the association of workers' representatives with the formulation and implementation of the welfare measures.

(iv) The day-to-day administration of the welfare measures should, however, be left to the Executive Officer.

53. *Penalties.*—A contravention of clause 36 shall be punishable with imprisonment for a period not exceeding three months in respect of first contravention or six months in respect of any subsequent contravention or with fine not exceeding five hundred rupees in respect of first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

SCHEDULE I

Clauses of dock Clerical and Supervisory workers to which the Scheme applies

(a) Chief Clerk.
(b) Assistant Clerk.
(c) Junior Clerk.
(d) Senior Supervisor.
(e) Assistant Supervisor.
(f) Junior Supervisor.

SCHEDULE II

Limits of the Port of Calcutta to which the Scheme applies:—

On the North—A line drawn due east across the river Hooghly from a pillar at the southern boundary of Messrs. D. Waldie and Company's Chemical Works and Distillery at Konnagar in the district of Hooghly on the right bank of the river near Panihati in the district of the 24-Parganas.

On the South—A line drawn from a masonry pillar placed at the mouth of the Budge-Budge khal to a pillar on the right bank (Howrah side) of the river Hooghly, bearing north west of the first named pillar.

Vide Government of Bengal Notification No. 13-Marine, dated the 14th February, 1929.

SCHEDULE III

Principal Duties of Clerical and Supervisiory Staff.

1. *Chief Clerk:*

(a) To supervise and be in-charge of all documentation work performed on the ships.

(b) To remain in touch with Chief Officer and Stevedore employers with a view to finalising stowage plan of the cargoes intended to be loaded on the ship and to receive from time to time instructions from the Ship's Officers or Stevedore employers of any change in the stowage for implementation.

(c) On an Import vessel, the Chief Clerk will have to collect details of cargo on arrival of the vessel and programme discharge in close liaison with the Ship's Officers and Stevedore employers.

(d) To prepare and issue Daily Morning Report, of the cargo loaded or unloaded on the previous day along with such other statement as may be required like list of cargo available each morning with various details and on an Import vessel list of various cargo discharged or to be discharged etc. etc.

(e) To prepare and finalise the Working Order for each shift of work on the ship in conjunction with the Chief Supervisor.

(f) To attend to Steamer Agents and Stevedore employers on the ship and provide them with such information as he may be called upon with regard to discharge or loading particulars.

(g) To book cranes and derricks every day for the working of the ship or ships as per port rule.

(h) On completion of a vessel's work to verify and submit all documents to the ship, Steamer Agents and Stevedore employers as necessary.

2. *Senior Supervisor*:

(a) To act as representative of the Stevedore employers on the ship and to carry out such orders as given to him by Stevedoring Company with regard to Steamer's working.

(b) In particular to work closely with the Chief Clerk for preparation of working order each shift and to supervise the loading or unloading of the ship as per the working order and as per instructions of the Stevedore employers or ship's Officers.

(c) To pay special attention to the proper stowage of cargo as per stowage plan and instructions given by Stevedore employers or Ship's personnel and in the case of an import vessel, to proper handling of cargo with a view to avoiding damages.

(d) To book gang and other workers on various books as per working programme made and to maintain speedy and efficient work performed by the labour.

(e) To prepare and submit reports against delinquent workers.

(f) To report to the stevedores or their offices of such developments as may crop up during the work in a shift and to receive instructions on any matters in connection with the Stevedoring.

(g) To distribute and co-ordinate the work to be performed on the ship by the Assistant Supervisors and Junior Clerks or Supervisors and to supervise that due attention is being paid by all supervisory workers for proper, speedy and efficient performance of loading or unloading work.

3. *Assistant Clerk*:

(a) To assist the steamer clerk in maintaining proper documents of the cargoes loaded on the ship or discharged from the vessel.

(b) To receive cargo in the shed and make periodical posting to the receiving Register of the cargoes arrived in the shed from time to time after proper verifications and check.

(c) To receive and give Registration to the cargoes arriving by barges or lighters overside. To place the lighters or barges on the various hooks during the work as per the working report and as per directions of the Chief Clerk or Supervisor from time to time.

(d) To maintain shipment Register after checking the tallies produced or figures collected from the shed at the end of each shift and make necessary, postings as necessary.

(e) To prepare and submit every morning the list of cargoes loaded or received alongside or in the shed awaiting shipment and to prepare such documents as may be directed either by Ship's Officers or superiors.

(f) To liaise with Port Commissioners' Shed Clerks with a view to receiving, stacking and verifying export cargoes as per Dock Challan and calling such lot as necessary during shipment as per calling order.

(g) To write Mate's Receipt, Manifest and make postings to the General Stowage plan to be presented after shipment.

(h) To ascertain the correct quantity discharged every shift from the ship's Tally or shed figures and to make such adjustment in the discharge Register.

(i) To carry out any other order given by the Steamer Clerk with regard to loading or unloading of a ship, preparation and maintenance of documents.

4. *Assistant Supervisor:*

(a) To assist the Chief Supervisor in loading and unloading operation.

(b) To see the cargo is loaded with proper stowage and in good condition similarly to see that import cargo is discharged in proper condition.

(c) To assist Chief Supervisor in maintaining speedy and efficient work on a ship and to give such instructions to the Assistant Clerk or Junior Supervisor Clerk as may be necessary for continuous work on the ship for placement of boats or calling of cargo from the shed.

(d) To co-ordinate the work on the shed and the ship by contacting various supervisory personnel of the shed or Port Commissioners so as to maintain a speedy and efficient work.

5. *Junior Supervisor:*

(a) To look after proper loading of cargo by the Port Commissioners staff as per Calling Order given by the ship and pursuing such work.

(b) To pursue the work in the shed by remaining in touch with the shed personnel for proper or speedy receiving of cargo discharged from the ship.

(c) To supervise and make notings of damaged cargo which may be loaded or discharged and also to maintain a register of recoopered packages.

(d) To carry out any other order of superiors during the work with regard to supervision of loading or unloading.

6. *Junior Clerks:*

(a) To record attendance of the various workers on the ship.

(b) To compile the output report.

(c) To write Accident Reports and place them before the Chief Supervisor for verification and signature, and also to call Ambulance, etc. in the event of an accident requiring hospitalisation of a worker.

(d) To make such marks or labelling on the cargo as is the practice on various lines.

(e) To contact Calcutta Dock Labour Board Call Stand for stand by workers to fill up any shortage or make any complaints against workers as directed by Supervisors or Foremen.

(f) To carry out any other order of Supervisors during the working period in regard to supervision of loading and unloading of ships.

NOTE.—The aforesaid duties of the various categories of workers are subject to such additions and alterations as may be decided by the Board-in-meeting from time to time

SCHEDULE IV

(*See Clause 28*)

The minimum number of days in a month for which wages are guaranteed should be assessed annually on the basis of the average employment during the immediately preceding 12 months according to the following procedure:—

(a) The total number of man-shifts worked every month by registered Dock Clerical and Supervisory workers of a particular category in the Reserve Pool should be recorded.

(b) The effective strength of registered Dock Clerical and Supervisory workers of the aforesaid category in the Reserve Pool on all the working days of the month should be recorded.

The effective strength of registered Dock Clerical and Supervisory workers in the above mentioned category in the Reserve Pool on a particular working day shall be;	The number of registered Dock Clerical and Supervisory workers in the above mentioned category in the Reserve Pool registered on that day.	Number of registered Dock Clerical and Supervisory workers in the above mentioned category in the Reserve Pool on authorised or unauthoerised leove plus njmber of workers in these categeries who died or whose services were terminated on that day.

(c) The effective strength of registered Dock Clerical and Supervisory workers in the above mentioned category on all the working days in a month obtained under (b) above should be added up and divided by the number of working days in the month to yield the effective strength of these workers during the month.

(d) (a) should be divided by (c) to yield the average employment per worker per month in this category.

(e) The averages obtained under (d) above for 12 consecutive months should be added up and divided by 12. The average so obtained shall be fixed as the minimum guarantee for the next 12 months for this category.

For clarification, an example is given below:—

Suppose that an assessment is made in June, 1970 and suppose the effective strength of registered Assistant Clerk in the Reserve Pool and the man-shifts worked by them during the period June 1969 to May 1970 are as shown under columns (2) and (3) of the Table below:—

TABLE

Month	Effective strength	Total No. of man shifts worked	Average employment per worker per month
1	2	3	4
June, 1969 ..	300	3600	12
July, 1969 ..	250	3250	13
August, 1969 ..	200	3000	15
September, 1969 ..	250	4000	16
October, 1969 ..	200	3200	16
November, 1969 ..	350	5950	17
December, 1969 ..	250	4250	17
January, 1970 ..	300	3900	13
February, 1970 ..	200	2800	14
March, 1970 ..	250	3750	15
April, 1970 ..	200	3200	16
May, 1970 ..	300	5100	17

Column (3) divided by column (2) shall show the average employment per Assistant Clerk per month and this is shown in column (4) of the Table.

The minimum number of days in a month for which wages shall be guaranteed to the Assistant Clerks during the period June 1969 to May 1970, will be—

$$\frac{12+13+15+16+16+17+17+13+14+15+16+17}{12} = 15 \cdot 08$$

After rounding to the nearest day=15 days.

Similar calculation shall be made in June, 1971 and thereafter every year. If the average number of days in any year works out to be less than the minimum number of days for which wages have already been guaranteed, the latter number shall not be reduced. In other words, the minimum number of days in a month for which wages are guaranteed shall progressively increase but shall never be decreased.

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